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<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/626,127	GARGER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jezia Riley	1637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to response filed 9/17/03.
  2. ☒ The allowed claim(s) is/are 65,66,69,79,83,84 and 90.
  3. ☒ The drawings filed on 28 March 2002 are accepted by the Examiner.
  4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
    - (a) ☐ The translation of the foreign language provisional application has been received.
  6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

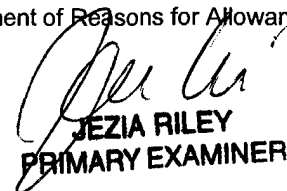
7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)   | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____    |
| 5 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. <u>3/02</u> . | 6 <input type="checkbox"/> Examiner's Amendment/Comment                    |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material      | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9 <input type="checkbox"/> Other   |

  
**JEZIA RILEY**  
**PRIMARY EXAMINER**

Art Unit: 1637

ALLOWED CLAIMS/ TJ

**Claim 65 (amended)** [The] A recombinant expression construct [as set forth in claim 2]  
comprising:

a nucleotide sequence encoding a mammalian lysosomal enzyme and a  
promoter that regulates the expression of the nucleotide sequence in a plant cell;

wherein the lysosomal enzyme is lipase.

**Claim 66 (amended):** [The] A recombinant expression construct [as set forth in claim 64]  
comprising:

a nucleotide sequence encoding a mammalian lysosomal enzyme and a  
promoter that regulates the expression of the nucleotide sequence in a plant cell;

wherein said recombinant expression construct is a recombinant viral expression  
construct, and the lysosomal enzyme is lipase.

**Claim 69 (amended):** [The] A recombinant expression construct [as set forth in claim 2]  
comprising:

a nucleotide sequence encoding a mammalian lysosomal enzyme and a promoter  
that regulates the expression of the nucleotide sequence in a plant cell; and

wherein the lysosomal enzyme is glucocerebrosidase.

**Claim 79 (amended):** [The] A recombinant plant viral expression construct [of claim 78]  
comprising a nucleotide sequence encoding a human lysosomal enzyme and a promoter  
that regulates the expression of the nucleotide sequence in a plant cell, in which the  
human lysosomal enzyme is a human .alpha.-L-iduronidase.

**Claim 83 (amended):** [The] A plant or plant cell which is transfected with a recombinant plant  
viral expression that comprises a nucleotide sequence encoding a human lysosomal  
enzyme and a promoter that regulates the expression of the nucleotide sequence [of  
claim 82,] in which the lysosomal enzyme is a human .alpha.-L-iduronidase.

**Claim 84 (as previously entered):** A leaf, stem, root, flower or seed of the plant of claim 83.

**Claim 90 (as previously presented):** A method for producing a human glucocerebrosidase  
which is enzymatically active, comprising:

recovering the human glucocerebrosidase from (i) a transgenic plant cell or (ii)  
a cell, tissue or organ of a transgenic plant, which transgenic plant cell or plant is  
transformed with a recombinant expression construct comprising a nucleotide sequence  
encoding the human glucocerebrosidase and a promoter that regulates expression of the  
nucleotide sequence so that the human glucocerebrosidase is expressed by the  
transgenic plant cell or plant.